

ORDINANCE NO. 1824-13

**BOROUGH OF MIDDLESEX
COUNTY OF MIDDLESEX, NEW JERSEY**

CALENDAR YEAR 2013

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2013 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$167,032.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Middlesex shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$389,741.49 and that the CY 2013 municipal budget for the Borough of Middlesex be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

Kathleen Anello, Borough Clerk

Mayor Ronald Dobies

INTRODUCED: March 26, 2013

DATE OF PUBLICATION
OF INTRODUCTION:

FINAL ADOPTION:

DATE OF PUBLICATION
OF ADOPTION:

AN ORDINANCE TO AMEND CHAPTER 367 SWIMMING POOL, MUNICIPAL, SECTION 367-2 MEMBERSHIP, SECTION 367-3 FEES AND CHARGES AND SECTION 367-5 GENERAL RULES AND REGULATIONS IN THE CODE OF THE BOROUGH OF MIDDLESEX

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Section 317-1 Storage of Certain Materials and Equipment Restricted is amended to read as follows:

§ 317-1. Storage of certain materials and equipment restricted.

Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex, is prohibited on any property within 1,000 feet of any dwelling except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building, or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-9 Definitions is amended to include the following:

§ 317-9. Definitions.

ENFORCEMENT OFFICER – Except as defined in § 317-12A, the enforcement officer shall be the Construction Official or his authorized representative. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex shall be authorized to enforce § 317-1 of this Chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

§ 317-12. Administrative provisions.

F. Odors and Airborne Particles. Notwithstanding the provisions of this section, if it is determined by the enforcement officer that there is an immediate disturbance to the comfort and convenience of any resident of the Borough of Middlesex by means of any pervasive or obnoxious odors, or airborne particles which cause disturbances of a person of normal sensitivity, then no notice shall be required hereunder and the enforcement officer may immediately issue a summons of violation to a person or entity .

§ 317-13. Violations and penalties.

Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be punished as follows, for each such violation occurring during any calendar day being considered a separate offense:

- A. For the first offense, by a fine not less than \$500 or more than \$2,000.
- B. For a second offence, by a fine not less than \$1,000 or more than \$2,000.
- C. For a third offense or any subsequent offenses, by a fine of not less than \$1,500 or more than \$2,000.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

- 1. The Governing Body does hereby amend Section 367-2 Membership, Section 367-3 Fees and Charges and Section 367-5 General Rules and Regulations to read as stated above.
- 2. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST

Kathleen Anello, Municipal Clerk

Ronald S. Dobies, Mayor

INTRODUCED: March 26, 2013

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION: